



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. McTIGUE  
DIRECTOR

October 14, 1988  
AO-88-29

Stephen P. Tocco  
Executive Director  
Associated Builders and Contractors, Inc.  
One Wall Street  
Burlington, MA 01803

Dear Mr. Tocco:

This letter is in response to your request for an advisory opinion. You have asked if you may, as Executive Director of Associated Builders and Contractors, Inc. (the "Association"), consistently with Massachusetts campaign finance law and without fear of turning the Association into a political committee, assess the members of the Association a one-time fee for the specific purpose of expending such fee to support a ballot question.

Section 1 M.G.L. c.55 defines a political committee as "any committee, association, organization or other group of persons, including a national, regional, state, county or municipal committee, which receives contributions or makes expenditures for the purpose of influencing the nomination or election of a candidate, or candidates ... or for the purpose of opposing or promoting a charter change, referendum question, constitutional amendment, or other question submitted to the voters."

Contrary to your observation that this office has recanted prior policy, it remains the position of this office that if an organization solicits or receives any money or other thing of value for political purposes, the organization is functioning as a political committee, subject to all of the provisions of the campaign finance law as of the date of the solicitation or receipt of such money or other thing of value, including disclosure of contributors and forfeiture of any monies held in the organization's general treasury to the Local Aid Fund upon dissolution of such organization as a political committee.

It is therefore the opinion of this office that "assessing" members of the Association a one-time fee for

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purposes of expending such fee to support a ballot question would be a solicitation or receipt of money for political purposes, subjecting the Association to the full panoply of filing, reporting, disclosure and other provisions governing the conduct of political committees. Our opinion would be the same if instead of a direct expenditure by the Association the money in turn was contributed to the Fair Wage Committee.

Please be advised, however, that we have worked with various organizations to develop systems, whereby members of organizations may contribute to political committees by having the contributions collected and accounted for administratively by the organizations. We would be happy to work with the Association on developing such a system.

This opinion has been rendered solely on the representations made in your letter.

It was unclear to us whether or not you wished us to reexamine the issues posed in the letter dated August 13, 1987 which was sent by Robert P. Rodophele to this office. If this is the case, or if you have further questions, please do not hesitate to contact this office.

Very truly yours,

*Mary F. McTigue*  
Mary F. McTigue  
Director

MFm/ba